

EXHIBIT 5
Part 2 of 2

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1 with that or can you cope with that?

2 **INMATE TYSON:** Yes, I can.

3 **DEPUTY COMMISSIONER BLONIEN:** If there's a rejection
4 out there -

5 **INMATE TYSON:** Now -- now by -- by going to these
6 classes rejection is rejection. Of course it is. You
7 know, now I understand, you know, okay, well, sometimes
8 you win, sometimes you lose. You can't win all the time.
9 You can't lose all the time either. You know. And but I
10 don't -- I don't go out of my way to say anything to
11 women here; I know it's against the rules. But I know
12 somewhere along the line that I can speak to women. I
13 mean, I married a woman from the streets that was in here
14 and we got along real well, you know. And I had -- I had
15 learned to love her, you know. So, I mean, you know.

16 **DEPUTY COMMISSIONER BLONIEN:** And -- and where is
17 she now?

18 **INMATE TYSON:** Right now she's in New York. She
19 went back home to her mother's in --

20 **DEPUTY COMMISSIONER BLONIEN:** So are you still
21 married or --

22 **INMATE TYSON:** Yes, we are married. We are married
23 but I had planned to -- well, I still plan to divorce her
24 because, you know, of her relationship with someone else.
25 And I wish -- I wish her the best, you know.

26 **DEPUTY COMMISSIONER BLONIEN:** Uh-huh.

27 **INMATE TYSON:** But, I mean, you know, she didn't

1 want to be with me so I have to, you know, do what's best
2 for me now.

3 **DEPUTY COMMISSIONER BLONIEN:** And -- and do you
4 attend religious services?

5 **INMATE TYSON:** Yes, ma'am. I go to Juma every
6 Friday.

7 **DEPUTY COMMISSIONER BLONIEN:** To what?

8 **INMATE TYSON:** To Juma. That's -- it's Islamic --
9 Islamic prayer. And, matter of fact, the only time I
10 missed Juma was last Friday when I was doing my psych
11 report. Ms. Inaba she -- she kept me in there -- in
12 there for two and a half hours or so and one of the
13 ameres of our -- in our community came, you know, while I
14 was there and asked me, you know, how come I missed Juma.
15 They saw that I was in there with her. But I -- I never
16 miss Juma. Friday's when -- when I work overtime and I
17 get off at 1 o'clock I go to my cell, I take a shower and
18 I get ready for Juma. I go to Juma. And when I come from
19 Juma I go to the (inaudible).

20 **DEPUTY COMMISSIONER BLONIEN:** The reason I asked you
21 is because Ms. Inaba -- Dr. Inaba mentioned in her -- her
22 report your religious -

23 **INMATE TYSON:** Yes.

24 **DEPUTY COMMISSIONER BLONIEN:** -- affiliation. In
25 going over Ms. Inaba's report -- Dr. Inaba's report, I
26 mean, the main thing she talked about is insight and that
27 you have little insight into the motivation behind your

1 crimes, that you gave answers that were rather pat such
2 as you needed money at the time.

3 "He then related that the robberies resulted
4 in only pocket change from the victims. He
5 stated that one of the victims had only a
6 few cents in her purse. He has a theory
7 that his commitment offense occurred because
8 he wanted someone to talk to. At the same
9 time he related that he approached the
10 victim who was not carrying a purse with a
11 kitchen knife and he -- that he had
12 concealed in his back pocket. When tried --
13 when she tried to discourage him he grabbed
14 her and stabbed her through her jacket. He
15 was not able to give any explanation for his
16 action and stated that he was asking himself
17 why he was stabbing her while he was doing
18 it. His judgment is adequate for
19 functioning in a controlled setting. He has
20 a history of poor judgment while on the
21 streets."

22 And under your clinical diagnosis under Axis I, she notes
23 your Cannabis Dependence, Poly-Substance Dependence,
24 Impulse Control dis -- both in -- in controlled
25 environment. That's a typo. I think she means in
26 remission in a controlled environment. Although I can't
27 put words on her report.

1 **INMATE TYSON:** No, ma'am. You can't.

2 **DEPUTY COMMISSIONER BLONIEN:** And I know you just
3 got it on the 21st so you couldn't petition for the
4 correction but that -

5 **INMATE TYSON:** I saw her this morning and I asked
6 her about that. And she -- she -- well, she told me
7 well, I have a -- would have to talk to my lawyer about
8 removing the chronos in -- from my file. And she said
9 well, this was in your file. But now, I mean, I can't
10 change her -- her --

11 **DEPUTY COMMISSIONER BLONIEN:** Now, I --

12 **INMATE TYSON:** -- but she said -- let me -- let me
13 say this though, Commissioner. I'm sorry that she didn't
14 understand, you know, that she didn't -- that -- that she
15 didn't understand what I was saying, but I -- everything
16 about the crime as I'm telling you now is the same thing
17 I told her.

18 **DEPUTY COMMISSIONER BLONIEN:** Well, maybe --

19 **INMATE TYSON:** The same thing.

20 **DEPUTY COMMISSIONER BLONIEN:** -- in your
21 presentation you became disjointed and she had trouble
22 following you.

23 **INMATE TYSON:** That may have been it. But I -- I
24 don't have a problem with discussing the crime anymore.

25 **DEPUTY COMMISSIONER BLONIEN:** She noted Impulse
26 Control Disorder not Otherwise Specified by History.
27 Conduct Disorder, Adolescent Type, Severe by History, and

1 Mixed Traits not Otherwise Specified of a Personality
2 Disorder. Under Axis III she said your Shoulder Hurts --

3 **INMATE TYSON:** Yes, ma'am. It does.

4 **DEPUTY COMMISSIONER BLONIEN:** -- and gives you a
5 Global Assessment Functioning score of 80, which makes
6 you a highly functioning individual if you were in the
7 community and definitely a highly functioning inmate.

8 **INMATE TYSON:** Thank you.

9 **DEPUTY COMMISSIONER BLONIEN:** So -- and that's
10 unusual that by history she notes lack of insight, but by
11 diagnosis gives you very good Global --

12 **INMATE TYSON:** I noticed --

13 **DEPUTY COMMISSIONER BLONIEN:** -- Assessment
14 Functioning --

15 **INMATE TYSON:** -- the same thing, Commissioner.

16 **DEPUTY COMMISSIONER BLONIEN:** -- score. So in
17 assessing your dangerousness, she notes that one of your
18 1985 115s was for presenting yourself unclothed in front
19 -- in front of a female custody officer. But you have no
20 write-ups in prison for any violent offenses. That you
21 have attended NA while at San Quentin and completed an
22 Anger Management course. You've been disciplinary-free
23 since 1993 and you would be expected to continue to
24 remain violence-free in a controlled environment. That
25 the risk factors associated for violent recidivism
26 include your elementary school maladjustment, childhood
27 behavior problems, admission to Corrections, failure on

1 conditional release, history of nonviolent offenses,
2 history of violent offenses, escape from secure custody
3 which you didn't have. We talked about that. Strangers
4 as victims, very troubling.

5 **INMATE TYSON:** Yes, ma'am.

6 **DEPUTY COMMISSIONER BLONIEN:** Personality disorder,
7 attitudes supportive of crime, lack of empathy, attitudes
8 unfavorable toward convention, lack of realistic life
9 goals, little responsibility for self, long history of
10 substance abuse. Then the very next sentence is that you
11 take responsibility for committing your crimes, but you
12 lack insight for the reason for the crimes other than
13 financial pressure and somehow wanting to impress family
14 members.

15 "Mr. Tyson has made gains in that he takes
16 responsibility for his crimes after
17 initially denying any responsibility. He is
18 also programming in a positive manner. He
19 was cooperative and -- and disclosing during
20 the interview for this report and there is
21 no evidence displayed of anger problems with
22 impulse control during the interview. It
23 would appear that left on his own devices
24 Mr. Tyson lacks the ability to make positive
25 adjustment to society. During this time Mr.
26 Tyson was living at home and had the active
27 support of his family. In order to lessen

1 the odds of future violence, Mr. Tyson would
2 benefit from several interventions. The
3 first being a continuation of positive
4 programming, such as NA and also educational
5 activities. That he would also benefit from
6 counseling in regard to motivation for his
7 crime and his attachment to the attitude
8 toward females. He has engaged in several
9 forms of assaultive behavior toward women
10 including rape and murder. While Mr. Tyson
11 may have no intention of killing his victim
12 he left her in a wounded and vulnerable
13 state that resulted in her death. He would
14 benefit from therapeutic work to explore
15 both his motivation and behavior of that
16 crime. Any plans for release would need to
17 provide for a structured environment. While
18 Mr. Tyson's parole plan shows good judgment
19 on his part in selecting to be involved with
20 a positive peer group, would be important to
21 examine whether any program he selects would
22 provide adequate levels of service,
23 supervision, structure to insure public
24 safety."

25 So gives us lots of questions and some answers. And a
26 lot of this has to come from -- from you, because --

27 **INMATE TYSON:** Yes, ma'am.

1 **DEPUTY COMMISSIONER BLONIEN:** -- as you are here in
2 San Quentin the reality is that therapy is not available
3 and you're going to have to look to yourself --

4 **INMATE TYSON:** Yes, ma'am.

5 **DEPUTY COMMISSIONER BLONIEN:** -- to work through and
6 I would recommend books or once you get into the Vietnam
7 Veterans group, they have therapy programs that allow you
8 not only to acknowledge past problems but articulate
9 future remedies that are happening with you.

10 **INMATE TYSON:** Yes, ma'am. If I could say
11 something, Commissioner.

12 **DEPUTY COMMISSIONER BLONIEN:** Uh-huh.

13 **INMATE TYSON:** Let me start right here in 1985 where
14 it says counsel in 1985 regarding his purposely
15 presenting himself unclothed in front of a female custody
16 officer, and she just gave me a copy of the chrono this
17 morning and I never knew that was in my file and going
18 back to what the other Commissioner said I should've
19 looked in my file not knowing it was there. But I should
20 -- I should've --

21 **DEPUTY COMMISSIONER BLONIEN:** Go ahead, I'm
22 listening.

23 **INMATE TYSON:** -- at the -- the way the showers are
24 built is that when you get out -- when you out the
25 shower, you're -- you're right there in the building, and
26 officers and -- and inmates, you know, they -- they can
27 see you, and my intentions weren't to -- to be lewd in

1 front of this -- this officer, and I -- and --

2 **DEPUTY COMMISSIONER BLONIEN:** Well, and -- and --
3 and here's the thing. I -- I understand what you're
4 saying and that you only got a 128 for that. You didn't
5 get a 115.

6 **INMATE TYSON:** Yes, ma'am. I just wanted to clarify
7 that.

8 **DEPUTY COMMISSIONER BLONIEN:** So that goes along
9 with your explanation.

10 **INMATE TYSON:** Yes, ma'am. And --

11 **DEPUTY COMMISSIONER BLONIEN:** You don't -- you don't
12 need to refute steps --

13 **INMATE TYSON:** I --

14 **DEPUTY COMMISSIONER BLONIEN:** -- step-by-step what -
15 - what's in there.

16 **INMATE TYSON:** Yes, ma'am. I -- it's just that, you
17 know, I -- how do you say it, I just wanted to clarify
18 some of things you said, you know, and I just couldn't
19 remember, you know, and -- and just add a little bit more
20 to it.

21 **DEPUTY COMMISSIONER BLONIEN:** Uh-huh.

22 **INMATE TYSON:** You know. Because, you know, what
23 you're saying is -- is -- is -- is true and like -- like.
24 I say I -- I programmed, you know, and the other things
25 that -- let me stop.

26 **DEPUTY COMMISSIONER BLONIEN:** How old are you?

27 **INMATE TYSON:** I'm 54.

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1 **DEPUTY COMMISSIONER BLONIEN:** So that's old enough
2 to get it all together I think.

3 **INMATE TYSON:** Yes.

4 **DEPUTY COMMISSIONER BLONIEN:** And talking and
5 looking at your parole plans you have done some
6 research --

7 **INMATE TYSON:** Yes, ma'am.

8 **DEPUTY COMMISSIONER BLONIEN:** -- and found was it
9 Ploughs and Ploughshare Program?

10 **INMATE TYSON:** Sword to Ploughshare.

11 **DEPUTY COMMISSIONER BLONIEN:** Sword to Ploughshare.

12 **INMATE TYSON:** Yes, ma'am.

13 **DEPUTY COMMISSIONER BLONIEN:** And that's over where?

14 **INMATE TYSON:** It's on -- it's at Treasure Island.

15 It's at 1433 -- I don't know how to pronounce that.

16 **ATTORNEY CARBONE:** Halibut.

17 **INMATE TYSON:** Halibut Court, Suite F, in San Fran -
18 - San Francisco, California. The number is 415-834-0341.
19 And --

20 **DEPUTY COMMISSIONER BLONIEN:** And how -- how do you
21 know they'll accept you?

22 **INMATE TYSON:** Well, I've written letters to the one
23 in the Swords and Ploughshares Program in Treasure
24 Island. I've also written a letter to the one in Menlo
25 Park. And I've gotten the information and they said that
26 the only way they would accept me -- they can't do
27 anything for me right now because I'm in prison, but once

1 out of prison I could be accepted to the program. And
2 also -- I've also found further information that I --

3 **DEPUTY COMMISSIONER BLONIEN:** You have a letter
4 there?

5 **INMATE TYSON:** No, ma'am. I gave it to the -- to my
6 counselor the last Board hearing. It was in my last
7 Board hearing. I just read it at my last Board hearing
8 where it was in there.

9 **DEPUTY COMMISSIONER BLONIEN:** You're supposed to
10 update your letters for every Board hearing.

11 **INMATE TYSON:** And they also -- they -- they said
12 that if -- if a veteran has been incarcerated for ten
13 years or more, it's considered a disability and they give
14 you \$3,200 a month.

15 **DEPUTY COMMISSIONER BLONIEN:** A month?

16 **INMATE TYSON:** Yes, ma'am. And they give you free
17 rent, room and board. They give you opportunity to
18 acquire trades. And see the trade that I would -- that I
19 want is -- is the trade to become a tailor and that's
20 what I would like to do. If -- if not a tailor, a chef.
21 Those are the two things that I do want to do. I want to
22 cook or I want to become a tailor. And the reason I want
23 to become a tailor is because I've noticed that through
24 the time I've been in prison, that some people don't make
25 clothes for big and tall people. See big people and tall
26 people, they don't have clothes, you know. Some -- some,
27 you know, places do but I figured that if I could just

1 have a little business making suits for big men, making
2 clothes for tall and big women, that it would be
3 successful. Not anything big. I don't want to be a
4 millionaire. I -- I've stopped looking at that -- that
5 life. That's -- that's out the picture. That's what got
6 me in here. And I, you know, something that's small that
7 I can be successful. I can pay my rent every month. I
8 can pay my utilities and my bills and take care of
9 myself.

10 **DEPUTY COMMISSIONER BLONIEN:** In your letters from
11 people you have a letter from Mrs. Bernelle Tyson. Is
12 that your --

13 **INMATE TYSON:** Yes, ma'am. That's my mother.

14 **DEPUTY COMMISSIONER BLONIEN:** That's your mom. And
15 she can't understand how you -- you made all your bad
16 decisions either. But she's very supportive of you and
17 she prays about you. And she has seen a tremendous
18 change for the better -

19 **INMATE TYSON:** Yes, she has.

20 **DEPUTY COMMISSIONER BLONIEN:** -- in you and she'll
21 be there to help you. That you can live with her for one
22 month?

23 **INMATE TYSON:** Yes, ma'am. She has -- she stays in
24 a senior citizen home.

25 **DEPUTY COMMISSIONER BLONIEN:** Uh-huh.

26 **INMATE TYSON:** And she has a grace period for 30
27 days. The last time I did see my mother was -- was about

1 three weeks ago in the visiting room. She went back
2 home, back East to see -- to visit with her family and to
3 celebrate her birthday and stuff, and she'll be back next
4 month. Well, she told me that she found a nice little
5 studio for me. Had I been out I could've gotten that
6 studio. My brothers and my sisters they have already
7 made plans once I get out that they -- they are going to
8 get an apartment for me. My mother, she has a car for
9 me. But now I also can stay at the halfway houses that
10 are listed right -- the halfway houses and in my last
11 Board report I had the letter -- I had the letters in
12 there where, you know, that I had written to the people,
13 matter of --

14 **PRESIDING COMMISSIONER BIGGERS:** The Fellowship
15 Service House.

16 **INMATE TYSON:** Yes, sir. The one over in San
17 Francisco.

18 **PRESIDING COMMISSIONER BIGGERS:** That's Hayden House
19 and --

20 **DEPUTY DISTRICT ATTORNEY KLINGE:** Walden House.

21 **PRESIDING COMMISSIONER BIGGERS:** Yes, it's Walden
22 House.

23 **INMATE TYSON:** Yes, ma'am. Walden House. And they
24 -- like I said, they only -- the only time that they
25 could accept me into the program is that I have to be out
26 of prison. I even talked to the lady, she was in the
27 building.

1 DEPUTY COMMISSIONER BLONIEN: Uh-huh.

2 INMATE TYSON: Also --

3 ATTORNEY CARBONE: Do you want to talk about your
4 jobs?

5 INMATE TYSON: Oh, my jobs. And I had -- and I have
6 the places in -- in -- two places in Oakland that -- that
7 hire ex-felons and one in Berkeley. Also I have --

8 DEPUTY COMMISSIONER BLONIEN: A job consortium and
9 the Career --

10 INMATE TYSON: Yes, ma'am.

11 DEPUTY COMMISSIONER BLONIEN: -- Resource
12 Development Center and the East Bay One Stop Career
13 Center.

14 INMATE TYSON: Yes, ma'am. And there are a few more
15 also, but I only just listed those three right there.
16 But I -- they also had a pamphlet [alarm sound] that
17 lists all the -- right there. Right here. I also have a
18 pamphlet right here, Alameda County, where you can --
19 where they hire ex-felons to -- to work and being that
20 they have a tax-incentive to hire ex-felons --

21 DEPUTY COMMISSIONER BLONIEN: I'm familiar with
22 that.

23 INMATE TYSON: And if --

24 DEPUTY COMMISSIONER BLONIEN: I'm going to change
25 the tape.

26 INMATE TYSON: Yes, ma'am.

27 DEPUTY COMMISSIONER BLONIEN: It -- it's still going

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1 but I'm going to change it.

2 **ATTORNEY CARBONE:** It'll just take a moment.

3 [Thereupon, the tape was changed.]

4 **INMATE TYSON:** And --

5 **DEPUTY COMMISSIONER BLONNIEN:** Okay, we're -- we're
6 moving. Okay.

7 **INMATE TYSON:** And they also hire ex-felons. Now,
8 the Swords and Ploughshare program, that's a two-year
9 program.

10 **DEPUTY COMMISSIONER BLONNIEN:** I know.

11 **INMATE TYSON:** And so that's a long-term program.

12 **DEPUTY COMMISSIONER BLONNIEN:** Could you do that?

13 **INMATE TYSON:** Yes, ma'am. That's -- I really want
14 to get into that program. I really want to get in. Once
15 -- if -- if I'm released. You know, you don't have to
16 give me a parole date, but to get into that program would
17 enable me to set my foot back in the community on the
18 right -- on -- directly on the right path. To be able to
19 have a life again. To have -- to be successful.

20 **DEPUTY COMMISSIONER BLONNIEN:** Well, you got -- you
21 got a family out there and they --

22 **INMATE TYSON:** Yes, ma'am.

23 **DEPUTY COMMISSIONER BLONNIEN:** -- and they all wrote
24 letters --

25 **INMATE TYSON:** And they're also -- they're all
26 behind me.

27 **DEPUTY COMMISSIONER BLONNIEN:** We have -- we read

1 your mom's. You have one from Quentin Martinez.

2 **INMATE TYSON:** That's my nephew.

3 **DEPUTY COMMISSIONER BLONIEN:** That's your nephew.

4 And he tells that he's very supportive of -- of you and
5 that you've been there for him and that -- and he thinks
6 that you have remorse and that you made many
7 accomplishments, and then your sister, Joanne Martinez --

8 **INMATE TYSON:** Yes, ma'am.

9 **DEPUTY COMMISSIONER BLONIEN:** -- wrote a letter
10 saying that it's time for you to get back to a productive
11 life. And that you've been a positive mentor to her
12 children.

13 **INMATE TYSON:** Yes, I have.

14 **DEPUTY COMMISSIONER BLONIEN:** And that you know --
15 she knows that if you're released that you will be a good
16 son, father, brother, uncle, and respectful and she asks
17 to let you come home to your caring family. And then
18 Raymond Buford, B-U-F-O-R-D, wrote a letter.

19 **INMATE TYSON:** Yes, ma'am.

20 **DEPUTY COMMISSIONER BLONIEN:** He's your uncle.

21 **INMATE TYSON:** Yes, ma'am.

22 **DEPUTY COMMISSIONER BLONIEN:** And you lived with him
23 for awhile -

24 **INMATE TYSON:** Yes, I did.

25 **DEPUTY COMMISSIONER BLONIEN:** -- in Washington D.C.?

26 **INMATE TYSON:** Yes, ma'am. I did.

27 **DEPUTY COMMISSIONER BLONIEN:** And he's very

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1 supportive of you and he'll do anything and everything in
2 -- in his power to help you adjust. And then Darryl
3 Tyson, D-A-R-R-Y-L, your brother, wrote saying that --
4 giving your history and that you've missed out on being a
5 father, son, brother, and grandfather and that makes the
6 whole family truly sad. And that he lives in California
7 and he will do his best to make sure that he will be very
8 supportive and he thinks you've learned your lesson and
9 you deserve another chance. And then Correction Officer
10 Simone, S-I-M-O-N-E, who's known you for seven years and
11 has watched your interaction with staff and other
12 inmates, he sees your demeanor is quiet and respectful
13 and he thinks that you would be a law-abiding citizen if
14 paroled. And Correctional Officer Stevenson, S-T-E-V-E-
15 N-S-O-N, wrote you a letter saying that you've worked
16 with him before and he's had contact with you and you've
17 always performed your duties as a professional and you're
18 ready -- ready to be released back into society. And
19 Correctional Officer Gladson, G-L-A-D-S-O-N. You also
20 worked for Officer Gladson as a recreation clerk and that
21 your interaction with staff and inmates as well as
22 respect for staff and fellow inmates has always been
23 exceptional. And his -- he or she has discussed with you
24 your parole plans and feels that they're positive and
25 feels you're ready for parole. Any other letters that I
26 didn't read? Those are all the ones I have here.

27 **INMATE TYSON:** I have some more in my cell. I just

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1 never -- my counselor's never put them in there. In the
2 -- in the -

3 DEPUTY COMMISSIONER BLONIE: No, this is your
4 parole hearing.

5 INMATE TYSON: I know.

6 DEPUTY COMMISSIONER BLONIE: And the responsibility
7 for what's presented --

8 INMATE TYSON: Yes, ma'am.

9 DEPUTY COMMISSIONER BLONIE: -- is all yours.

10 INMATE TYSON: Yes, ma'am.

11 ATTORNEY CARBONE: I think there are two additional
12 letters, Deputy Commissioner, in our parole supplemental
13 packet, which is the last attachment under the blue
14 sheet.

15 DEPUTY COMMISSIONER BLONIE: From Dwayne Tyson?

16 ATTORNEY CARBONE: There is --

17 INMATE TYSON: That's my brother.

18 ATTORNEY CARBONE: -- a letter from -- I believe you
19 covered a Darryl Tyson letter, did you not?

20 DEPUTY COMMISSIONER BLONIE: Yes.

21 ATTORNEY CARBONE: And then there was a letter from
22 a Ms. Martinez, Quentin Martinez, and -- you did cover
23 that as well, I apologize. And then there was one -- did
24 you cover Joe --

25 INMATE TYSON: Yes, sir.

26 ATTORNEY CARBONE: Thank you. I apologize.

27 DEPUTY COMMISSIONER BLONIE: The one from Dwayne

1 Tyson notes that in 16 years he has witnessed a
2 significant change in your state of mind and asks us to
3 consider your accomplishments and thinks you're ready for
4 parole. He also says that at the time of your crime you
5 were severely distraught and on drugs. And you were
6 distraught over your ex-wife.

7 **INMATE TYSON:** True. That --

8 **DEPUTY COMMISSIONER BLONIEN:** Well, I --

9 **INMATE TYSON:** -- not only that my -- my wife and --
10 well, I wasn't using drugs, but I was distraught over my
11 wife and like I say not finding job, being rejected, all
12 of those things.

13 **DEPUTY COMMISSIONER BLONIEN:** You know, the
14 consistency in your explanation is -- is not here. You
15 know, it's different. And you have to go back and look
16 at every report --

17 **INMATE TYSON:** Uh-huh.

18 **DEPUTY COMMISSIONER BLONIEN:** -- and every time
19 you've talked to a counselor, anything that's documented.
20 Either in your transcripts or in your C-File --

21 **INMATE TYSON:** Uh-huh.

22 **DEPUTY COMMISSIONER BLONIEN:** -- and go back and --
23 and in your mind --

24 **INMATE TYSON:** It's kind of hard --

25 **DEPUTY COMMISSIONER BLONIEN:** -- come to the truth.

26 **INMATE TYSON:** It's kind of hard to remember. I'm
27 sorry.

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1 DEPUTY COMMISSIONER BLONNIEN: But you have time.

2 You have to come to the truth because --

3 INMATE TYSON: Yes, ma'am.

4 DEPUTY COMMISSIONER BLONNIEN: -- you're not
5 believable until you come to the truth. And I -- I don't
6 know if you know it or not yet. I don't -- I don't know
7 if you know how rambling you are.

8 INMATE TYSON: I just try to remember everything.

9 DEPUTY COMMISSIONER BLONNIEN: I know.

10 INMATE TYSON: And it's -- it's hard.

11 DEPUTY COMMISSIONER BLONNIEN: And -- and I see your
12 earnestness. But you've got to read what you're saying
13 and then you, yourself, are going to say oh, my gosh.

14 INMATE TYSON: All right.

15 DEPUTY COMMISSIONER BLONNIEN: So with that, we also
16 sent out 3042 notices to victim next of kin, law
17 enforcement.

18 INMATE TYSON: Yes, ma'am.

19 DEPUTY COMMISSIONER BLONNIEN: And although I didn't
20 get any formal responses the District Attorney from
21 Alameda County is here.

22 INMATE TYSON: Yes, ma'am.

23 DEPUTY COMMISSIONER BLONNIEN: And at the right time
24 she'll be given the opportunity to --

25 INMATE TYSON: All right.

26 DEPUTY COMMISSIONER BLONNIEN: -- speak for the
27 People.

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1 INMATE TYSON: All right.

2 DEPUTY COMMISSIONER BLONIEN: And I'm going to
3 return it to the Chair.

4 PRESIDING COMMISSIONER BIGGERS: Thank you. First
5 of all, I'm going to ask the District Attorney from
6 Alameda County if she has any questions for you.

7 DEPUTY DISTRICT ATTORNEY KLINGE: I do is -- I also
8 want to request that -- request a quick recess.

9 PRESIDING COMMISSIONER BIGGERS: Yes.

10 DEPUTY DISTRICT ATTORNEY KLINGE: Thank you.

11 PRESIDING COMMISSIONER BIGGERS: Let's take about a
12 five-minute break.

13 (Off The Record)

14 DEPUTY COMMISSIONER BLONIEN: We are back on record.

15 PRESIDING COMMISSIONER BIGGERS: Okay, before we --
16 let the record reflect that everyone that was in here
17 when we took a short recess is now back in the room and
18 I've asked the District Attorney to -- if she has a
19 couple questions for the inmate.

20 DEPUTY DISTRICT ATTORNEY KLINGE: I have a few
21 questions, thank, you. Could the Panel ask the inmate,
22 regarding the offense, the victim, Gail Williams, who was
23 murdered was it his intent to rob her, specifically?

24 ATTORNEY CARBONE: You'll be addressing the Panel.
25 Mr. Tyson?

26 INMATE TYSON: Yes.

27 ATTORNEY CARBONE: Address the Panel.

1 INMATE TYSON: No, ma'am. My intent wasn't
2 really --

3 PRESIDING COMMISSIONER BIGGERS: No, to the Panel.

4 ATTORNEY CARBONE: Sir, address the Panel.

5 PRESIDING COMMISSIONER BIGGERS: Address the Panel,
6 not --

7 INMATE TYSON: Oh.

8 ATTORNEY CARBONE: Talk -- talk to --

9 DEPUTY DISTRICT ATTORNEY KLINGE: It's kind of hard,
10 but you have to talk to them and I have to talk to them.

11 INMATE TYSON: Yes, ma'am. My intent wasn't to -- I
12 forgot what the question was.

13 PRESIDING COMMISSIONER BIGGERS: The question was
14 were your intentions to rob the victim?

15 INMATE TYSON: No, sir, it wasn't intended to rob
16 her. But knowing that I -- what I know now I probably
17 had other things in mind also.

18 PRESIDING COMMISSIONER BIGGERS: Well, I asked you
19 about that. Remember that?

20 INMATE TYSON: Yes, sir.

21 PRESIDING COMMISSIONER BIGGERS: I asked you about
22 that few minutes ago. What was your intention with the
23 victim?

24 INMATE TYSON: It was -- it was to talk to her at --
25 at that time. Yes, sir.

26 DEPUTY DISTRICT ATTORNEY KLINGE: And this is a
27 follow-up. What other things did you maybe have in mind?

1 **INMATE TYSON:** I don't -- I really have no idea but
2 I -- I've discussed this with my attorney and just came
3 to the conclusion I probably had other things that I
4 might have done had I not killed -- took her life.

5 **DEPUTY DISTRICT ATTORNEY KLINGE:** And one -- just to
6 follow-up on that. So it was enlighten -- enlightenment
7 through discussion with your attorney today that makes
8 you think this?

9 **ATTORNEY CARBONE:** I think it's not -- perhaps a
10 discussion. I think that's just objection that misstates
11 the record. He simply stated that there were discussions
12 with his attorney. Not necessarily put in context when
13 those discussions occurred. They certainly could have
14 been previous to today and, in fact, I think they were.

15 **PRESIDING COMMISSIONER BIGGERS:** Okay. Rephrase the
16 question, please.

17 **DEPUTY DISTRICT ATTORNEY KLINGE:** Was it recently
18 that you came to these realizations in discussions with
19 whatever attorney it was?

20 **PRESIDING COMMISSIONER BIGGERS:** I think that's a
21 fair -- when did you come to the -- to this conclusion --

22 **INMATE TYSON:** I --

23 **PRESIDING COMMISSIONER BIGGERS:** -- that something
24 else could have transpired?

25 **INMATE TYSON:** While talking to my attorney.

26 **PRESIDING COMMISSIONER BIGGERS:** When -- and that
27 was recent?

1 INMATE TYSON: Yes, sir, it was.

2 PRESIDING COMMISSIONER BIGGERS: Okay.

3 INMATE TYSON: It was recent.

4 PRESIDING COMMISSIONER BIGGERS: Move on, please.

5 DEPUTY DISTRICT ATTORNEY KLINGE: Was that -- one
6 last question on that area. Was that before or after you
7 talked to the psychologist for this current report?

8 INMATE TYSON: That was before I -- I talked to the
9 psychologist on -- psychologist on this report. Yes,
10 ma'am.

11 DEPUTY DISTRICT ATTORNEY KLINGE: And then you
12 mentioned when we were speaking of the victim, Janet
13 Charles, whom you stabbed in the head and chest, that
14 this was the result of feeling rejected because she
15 refused your request for a cigarette. I'm a little
16 confused on whether the attack was because you were
17 feeling rejected or as part of a robbery. Could you --
18 could the inmate expand on that a little bit?

19 INMATE TYSON: Yes, ma'am. Yes, sir.

20 PRESIDING COMMISSIONER BIGGERS: Don't matter. Just
21 go ahead and deal with the question.

22 INMATE TYSON: Part rejection and also I -- I did
23 intend to rob her and -- what was her question, please,
24 sir?

25 PRESIDING COMMISSIONER BIGGERS: She just wanted you
26 to clarify were your intentions to rob her?

27 INMATE TYSON: Yes, they were. My intentions were

1 to rob her.

2 **PRESIDING COMMISSIONER BIGGERS:** Okay.

3 **INMATE TYSON:** Yes, ma'am.

4 **DEPUTY DISTRICT ATTORNEY KLINGE:** The attack on
5 Karen Kline where the inmate grabbed her and tried to
6 pull her up the street as she resisted and begged him to
7 let her go, what was the in -- inmate's intent when he
8 was trying to drag her up the street?

9 **INMATE TYSON:** I intended to rob her, too. But I
10 remember the incident and it was right in front of the
11 hospital or back of the hospital, I don't know whether it
12 was the front or back, but it was -- it was a well-lit
13 area, and I didn't want anybody to see me, you know,
14 committing my crime.

15 **PRESIDING COMMISSIONER BIGGERS:** Okay.

16 **DEPUTY DISTRICT ATTORNEY KLINGE:** Okay, and in 2001
17 when the Commission asked the inmate what the reason was
18 for trying to pull her down the street, he couldn't
19 remember and didn't know what was going through his mind
20 at the time. So what has jogged his memory between 2001
21 and today?

22 **INMATE TYSON:** Well, during that time, I did refuse
23 to -- to answer those questions because I felt ashamed of
24 what I had done and I didn't want people to look down on
25 me and -- and say well, you didn't commit no robbery like
26 Jesse James or someone by doing -- doing something that,
27 you know, gangsters do and I was ashamed of what I had

1 done.

2 **DEPUTY DISTRICT ATTORNEY KLINGE:** The discharge you
3 received from the Navy was honorable, but was it for
4 possession of marijuana?

5 **INMATE TYSON:** The discharge that I received from
6 the Navy it was -- it was honorable and -- but the
7 marijuana charge was -- was -- was civil -- civilian. It
8 didn't have anything to do with the military.

9 **DEPUTY DISTRICT ATTORNEY KLINGE:** The discharge --
10 let me clarify that. The possession of marijuana offense
11 occurred while you -- the inmate was in the service?

12 **INMATE TYSON:** Yes, ma'am, it occurred while I was
13 in the service.

14 **DEPUTY DISTRICT ATTORNEY KLINGE:** And the military
15 was made aware of that offense?

16 **INMATE TYSON:** Yes, ma'am, they were. As a matter
17 of fact the -- they were there when I was arrested that
18 night. The military police and the British police they --
19 -- they came to -- to my place that I had and arrested me.
20 Yes, ma'am, they did. They were made aware.

21 **DEPUTY DISTRICT ATTORNEY KLINGE:** The parole plans,
22 has the inmate contacted any of the individual businesses
23 listed in the pamphlet he brought from the businesses
24 that hire ex-felons?

25 **INMATE TYSON:** No, ma'am, I -- I didn't contact --
26 oh, I'm sorry. No. No, sir, I didn't contact any of
27 these people, per se.

1 **DEPUTY DISTRICT ATTORNEY KLINGE:** The three place --
2 temporary employment agencies listed in the inmate's
3 parole plan letter submitted, has he contacted any of
4 them to see what kind of temporary work is available?

5 **INMATE TYSON:** No, sir, I haven't, but if I can
6 explain.

7 **PRESIDING COMMISSIONER BIGGERS:** You'll get your
8 chance on that.

9 **INMATE TYSON:** Oh, all right.

10 **DEPUTY DISTRICT ATTORNEY KLINGE:** And then the --
11 the idea about being a tailor, has the inmate researched
12 how much a tailor can make in the Oakland or Bay area?

13 **INMATE TYSON:** I put in a quest -- excuse me, I put
14 in a request with the Trust Fellows, the group -- the --
15 one of the self-help groups that I have, but they didn't
16 have the -- the information on it but they did have
17 information on -- as for a chef and they gave me the
18 information for California Culinary Academy on 16 -- was
19 it 1625 Polk Street in San Francisco, and they just
20 didn't have the information for that.

21 **DEPUTY DISTRICT ATTORNEY KLINGE:** And if I may just
22 have one minute. I think that's all the questions I
23 have.

24 **PRESIDING COMMISSIONER BIGGERS:** Okay, thank you.
25 Mr. Carbone, you have --

26 **ATTORNEY CARBONE:** Yeah, I just have a few. I want
27 to go back to your military history, Mr. Tyson. You

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1 indicated that you were unable to weld because of prob --
2 dust problems. Did they assign you to a different
3 position in the military?

4 INMATE TYSON: Yes, they did. They assigned me to
5 Deck Division which was Boatswain's Mate.

6 ATTORNEY CARBONE: And did you perceive that to be a
7 -- a skill of lesser importance than the welding?

8 INMATE TYSON: Yes, all it was was just painting,
9 chipping the side off the submarines and on the ship,
10 painting and --

11 ATTORNEY CARBONE: And then --

12 INMATE TYSON: -- other jobs.

13 ATTORNEY CARBONE: -- after -- after you were
14 reassigned you -- this is where the marijuana charge came
15 into play, is that correct?

16 INMATE TYSON: Yes. It did.

17 ATTORNEY CARBONE: And so suffice it to say or is
18 it fair to state you -- you felt at the time of your
19 discharge from the military that you had essentially not
20 succeeded at what could perhaps be termed the -- the
21 straight life?

22 INMATE TYSON: Yes, sir.

23 ATTORNEY CARBONE: And was that one of the reasons
24 why you felt more accepted or more successful, if you
25 will, at the -- the crooked life?

26 INMATE TYSON: Yes, sir.

27 ATTORNEY CARBONE: And in hindsight, do you believe

1 that that was a -- a critical misstep or a critical
2 mistake that you made at an important part of departure
3 in your life?

4 **INMATE TYSON:** Yes, it was a critical mistake
5 because it led me to be incarcerated in prison for the
6 rest of my life.

7 **ATTORNEY CARBONE:** And I want to talk about the
8 causative factors a little bit because I know that's been
9 a -- a concern in terms of your ability to articulate or
10 express the causative factors. Do you think narcotics
11 played a role in your crime?

12 **INMATE TYSON:** Yes. It -- it is hard for me to
13 articulate but -- to articulate myself because I've
14 always been a very outspoken person and, for some reason,
15 you know, it's just hard to express myself. You know, I
16 -- I don't like to go on like I'm rambling because I know
17 what I want say. It's just that it's -- it comes out,
18 you know --

19 **ATTORNEY CARBONE:** Well, let me try to focus you.
20 You said that you thought that narcotics played a role in
21 your crime. I know you were using narcotics prior to
22 your crime. You were not high at the time of your crime,
23 were you?

24 **INMATE TYSON:** No, sir, I -- I wasn't high at the
25 time of my crime.

26 **ATTORNEY CARBONE:** Okay, so why then do you think
27 then narcotics played a role in your crime?

1 **INMATE TYSON:** Well, I had stopped using drugs, but
2 before I had stopped using drugs, I had taken a -- a lot
3 of drugs. Not heroin or cocaine. I had tried those two
4 drugs but mescaline, TAC, and acid. I had taken those
5 drugs a lot and I remember -- I -- excuse me. I remember
6 two incidences where I had taken the acid that I had to
7 leave a party because it seemed like my world had just
8 turned all the way upside down and I was -- I had lost
9 focus of everything. I didn't know where I was. And I -
10 - I couldn't -- I couldn't -- I couldn't function and I,
11 you know, I just knew I had to get away from where I was
12 and to go home to where I knew I was safe.

13 **ATTORNEY CARBONE:** Let me ask you some -- about some
14 of the other causative factors. At the time of the crime
15 do -- do you feel like you were suffering from low self-
16 esteem?

17 **INMATE TYSON:** Yes, low self-esteem, yes.

18 **ATTORNEY CARBONE:** Like you were depressed at the
19 time?

20 **INMATE TYSON:** I was depressed a lot. I was
21 depressed a lot and I didn't know it then, but the drugs
22 had -- had made me that way from taking, you know, all
23 that mescaline, TAC, and acid, and I -- I didn't know it
24 at the time that it had -- had, you know, probably
25 destroyed me somewhat on my -- my brain cells.

26 **ATTORNEY CARBONE:** Let me ask you, after you -- in
27 terms of the first crime, after you committed that crime

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1 -- let's place you back the day after you committed the
2 crime. You wake up, you had viciously attacked a woman.
3 How did you feel about what you had done? Did you feel
4 empowered? Did you feel depressed? Did you feel
5 important? What was your -- your feeling in relationship
6 to that first crime?

7 **INMATE TYSON:** I felt bad for what I did. But at
8 the same time I just said, you know, I -- I had committed
9 this crime. What the heck, I just -- nothing is going
10 right for me, so I just might as well keep doing what I'm
11 doing.

12 **ATTORNEY CARBONE:** And, sir, you're familiar with
13 the term fatalism?

14 **INMATE TYSON:** No, not really.

15 **ATTORNEY CARBONE:** You don't -- you don't -- you
16 don't know what the term fatalistic means?

17 **INMATE TYSON:** No.

18 **ATTORNEY CARBONE:** No. Do you think you had passed
19 a point of no return?

20 **INMATE TYSON:** Yes, I -- I did. I did pass the
21 point of no return.

22 **ATTORNEY CARBONE:** One last question, actually, two
23 -- few more. Commissioner Biggers at one point during
24 the hearing said that you perhaps had given up hope on
25 yourself. Do you feel like you had given up hope on
26 yourself?

27 **INMATE TYSON:** Yes. I did.

1 **ATTORNEY CARBONE:** At present do you feel like you
2 have given up hope on yourself?

3 **INMATE TYSON:** Somewhat, but I -- I do have a little
4 hope left.

5 **ATTORNEY CARBONE:** What is the single greatest
6 accomplishment of your life, Mr. Tyson?

7 **INMATE TYSON:** My two children.

8 **ATTORNEY CARBONE:** And what is the single greatest
9 failure of your life?

10 **INMATE TYSON:** What I did to come to this prison.

11 **ATTORNEY CARBONE:** No further questions.

12 **PRESIDING COMMISSIONER BIGGERS:** Okay. Thank you.
13 At this point I'm going to ask the District Attorney to
14 close, please.

15 **DEPUTY DISTRICT ATTORNEY KLINGE:** Thank you, and I
16 apologize if it's somewhat disjointed at this point. The
17 -- the Alameda County District Attorney's office is
18 opposed to parole at this time. I believe that the
19 inmate is unsuitable for parole and does currently pose a
20 risk to society if released. This is based on several
21 factors, beginning with the commitment offense. The
22 commitment offense was carried in a cruel and callous
23 manner. We -- everybody knows the facts of the victim
24 that died. Basically, was approached on the street,
25 asked a question, stabbed to death, staggered into her
26 apartment and passed away. Complete stranger attacked on
27 the street. This was conducted in a manner which

1 exhibited a callous disregard for human life and the
2 suffering of another. And in this crime, multiple
3 victims were attacked and injured and one killed. You
4 could argue that some were defiled and mutilated because
5 there were stabbings in heads and chests. The motive for
6 the crime is very confusing at this point, if there is a
7 motive for the crime. And I'll go into that. But it's
8 certainly trivial in relation to what ended up happening
9 to these victims. The inmate's previous record did
10 indicate an escalating pattern of criminal conduct. The
11 inmate had just been released from prison serving an
12 eight-year sentence for rape. He has a pattern of
13 violent and assaultive behavior, particularly against
14 women. And I'd say, you know, I would say a pattern of
15 somewhat tumultuous relationships out of custody and in
16 custody. His marriage, his interaction with women, his
17 marriage in custody unfortunately failed, I believe, due
18 to his -- alleged wife's relationship with a correctional
19 officer. His previous grant of parole did not avoid
20 future criminality. And institutionally, he does have
21 his vocations, which I do commend him for. And he does
22 how that he's very proud of his skills in the mattress
23 department and I do commend for that. In recent times he
24 has started to program with the groups he's attended.
25 Recently it seems he's started to finally concentrate on
26 groups that might begin to give him some insight into his
27 crimes. So I do commend him for that. The psychiatric

1 reports are still not favorable and I think I would like
2 to go a little bit into detail in this. The inmate has
3 gone from complete denial of his crimes to different
4 explanations of his crimes over the years and it's kind
5 of a disjointed pattern. At times he denies the rape,
6 then he admits the rape later, then he denies it after
7 that point in time. There's been absolutely nothing
8 consistent throughout the transcripts and the review of
9 the psych reports that I've seen. In 2001, he appeared
10 before the Board and did address the life commitment
11 crime and he did answer questions about the crime, but he
12 then did claim to not be able to remember certain things
13 when asked. He was still back on 'I was trying to talk
14 to somebody, but I don't know why.' He really didn't
15 show any insight that could give us any glean into why he
16 committed these crimes from his perspective in 2001. In
17 2003, on advice of counsel, he de -- declined to comment
18 on the crime, but he did, on page 30 of that transcript,
19 speak about it and it -- it -- he even speaks about that
20 he knows he's supposed to give insight at line 7. And he
21 said from his understanding -- the understanding of
22 insight is that he know -- knows he committed the crime.
23 Not why, just that he knows he did it. Then he says,
24 "and why did I do it? It was because I was
25 having problems, you know. And from there,
26 you know, it just kept going on. Other
27 things were while, you know, you can deal

1 with problems and stuff. I mean, I'm a
2 human being like everyone else, you know. I
3 can deal with some things and some things I
4 can't. There's so much pressure I can take.
5 There's so much pressure any being can take,
6 you know. And I was having bad times, bad
7 breaks, bad luck, you know. And I had not -
8 - had I not been in prison and used drugs, I
9 don't think I would've done this thing I
10 did."

11 Which isn't really any kind of insight or explanation into
12 his crimes. Counsel speaks about his drug use and cause -
13 - as being a causative factor today in questions. He says
14 he last used drugs in December of 1977. And these crimes
15 are committed some five years later. So I'm not clear on
16 the causative factor that that has -- it wasn't explained
17 thoroughly. He does seem to today try to explain some
18 causative factors. Now, the psychiatrists over the years
19 have never been able to glean the causative factors from
20 him and we should thank counsel because he -- based on his
21 interaction he seems to now be coming up with some
22 causative factors. And maybe if these are truly the
23 causative factors that are coming from the inmate, this is
24 a starting point for him to finally be able to address
25 them and deal with them. It's the first time I've ever
26 seen anything articulated as to a causative factor. In --
27 the psych report in 2000 the inmate said he lied to

1 psychiatrist before about his past psychiatric history.
2 If he's going to admit lying to the psychiatrist it's
3 really hard for me to determine when we believe him and
4 when we don't. There's no history, there's nothing base -
5 - that we can -- [phone ringing]

6 **PRESIDING COMMISSIONER BIGGERS:** Go ahead.

7 **DEPUTY DISTRICT ATTORNEY KLINGE:** -- base a
8 consistent pattern on. He's -- it's also quoted in the
9 2002 report that the inmate is not an accurate historian.
10 And then in 2000 he was still denying the rape offense.
11 He stated today several times that he didn't have a
12 problem with women, but he did state that he had a problem
13 with himself, which I will commend him for that part of
14 it. I think there's a step missing here clearly still.
15 That -- I don't see the true insight as to that his crimes
16 did in -- indicate a severe problem with women. Plus a
17 problem with himself, I'm sure. In the current
18 psychiatric report, the psychiatrist stated there seems to
19 be little true -- oh, speaking of remorse. "He's now
20 willing to acknowledge his responsibility for the crimes
21 but has no understanding of why he took such action. He
22 expressed remorse for his crimes. There seems to be
23 little true feeling behind his statements." And while she
24 did have some complimentary things to say about the inmate
25 it's clearly not a favorable report for release. Counsel
26 did submit his parole packet and on the bullet point
27 number two he stated that the 2003 psychological report

1 put the inmate at a low degree of threat to public safety.
2 And I apologize if I missed it but I don't see that
3 anywhere in the report. I just wanted to point that out.
4 In 2003, he also did not talk to the psychiatrist
5 thoroughly about the crime itself. And if you bear with
6 me, I am almost finished.

7 **PRESIDING COMMISSIONER BIGGERS:** I thought you were
8 talking about parole plans.

9 **DEPUTY DISTRICT ATTORNEY KLINGE:** I am now. His
10 parole plans are headed in the right direction, because I
11 believe that he does need transitional housing. The
12 letters from his relatives are supportive, but not
13 specific as to 'we can give him \$300 a month. I, this
14 brother, can rent him an apartment and I, his sister, can
15 give him a car.' They are extremely supportive but
16 they're not specific. The concerns that the psychiatrist
17 indicated about the veteran's program I also have how
18 structured is it? What kind of support do they beyond the
19 housing and helping him get jobs? That would be
20 information that would be very beneficial. And the jobs
21 themselves, he does have some marketable skills, but he
22 has not presented anything about how he could get a job
23 with mattress work. He has dreams and hopes which are
24 good. Own your own business, be a tailor. But it's
25 extremely hard to start your own business. It's extremely
26 hard to support yourself. People that are in alterations
27 businesses, it's extremely hard to support yourself. So

1 there isn't anything concrete for his job and supporting
2 himself in the community which would then cause stresses
3 and rejections from employers and rejections from people
4 which, if we're to believe him today, are part of the
5 causative factors of his crimes. So based on all those
6 factors, I feel that the inmate needs significant time to
7 finally address what he's starting to say today in a
8 coherent manner as to what caused him to commit the
9 crimes, how he's going to prevent that in the future, and
10 to solidify his parole plans a little bit kind of more for
11 the job end of it. I know that a lot of the programs the
12 living situations won't give you a firm commitment until
13 you're out. Some will. There are some in the Bay area
14 that will and maybe he could find some of those and get
15 some more information on the Veteran's program. And with
16 that, I'll submit it.

17 **PRESIDING COMMISSIONER BIGGERS:** Thank you.

18 Mr..Carbone?

19 **ATTORNEY CARBONE:** Thank you, Commissioners and thank
20 you again for your thoughtful and thorough consideration
21 of this case. Let me start of by just addressing the
22 somewhat incoherence at times of Mr. Tyson which I think
23 we've all been sort of dancing around, but in terms of
24 pinpointing and I -- I think it really stems from three
25 things. First and foremost I think it comes from shame
26 that these crimes perhaps no one of the victims and the
27 victim's family hates these crimes more than Mr. Tyson.

1 And I think that is prod -- one of the products of that is
2 his inability to be as articulate as he would like because
3 of some of the shame, and then thirdly, I think some of
4 the nervousness that he has disables him from presenting
5 as well as he would like. The important thing I want to
6 say about that, however, is that I don't think that should
7 be mistaken for his -- for Mr. Tyson not having a
8 significant degree of insight into the crime and I'll be
9 specific about that in -- in -- as I go one but I just
10 wanted to point out that I don't want the Panel to mistake
11 his inability to articulate at times for lack of insight.
12 I want to say four things about the crime. One, that he
13 obviously terrorized these women who were particularly
14 vulnerable. I think some of the women were even
15 caretakers that were related to the hospital. And so
16 these were particularly vulnerable people in our community
17 and that is entirely reprehensible. Secondly, I think at
18 the time, if you go back and look at the history involving
19 these crimes, he also placed an entire community in fear
20 and I think that's something that he has also owned up
21 that it wasn't simply how it affected these four victims
22 but it was an entire community in Oakland at one time,
23 naturally so, that was placed in fear as a consequence of
24 his actions. Thirdly, that the -- the robberies did not
25 need to result in any assaults, much less a murder. And I
26 think he also realizes that. And, fourth, this was a man
27 many years ago, over 25 years ago now, that at the time

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1 did not learn his lesson. And, unfortunately, coming out
2 of the Georgia rape conviction, talk about a wake up call.
3 He should've had one of the biggest wake up calls and, in
4 fact, it might have cemented his return to a criminal
5 lifestyle after his disengagement from the military. In
6 fact, the District Attorney commented that narcotics
7 didn't play a role in this crime and his -- and Mr.
8 Tyson's discussion of that doesn't -- indicates he doesn't
9 have insight. In fact, it does. It's just the opposite.
10 He was not high at the crime. In fact, he was sober, but
11 it's the old adage of people, places and things. And he
12 was still attached to the criminal lifestyle as a
13 consequence of being involved in -- in narcotics, and so I
14 think it -- it actually demonstrates his greater insight
15 in the fact that even though he wasn't using drugs, drugs
16 still had an influence over him and an influence in his
17 life because he was part of a -- a criminal lifestyle. So
18 there is no hiding, masking or denying the four elements
19 that I've talked about in relation to the crime and, as I
20 said, I think Mr. Tyson is deeply disgraceful and
21 resentful about that. I looked at the record, the
22 earliest discussion of remorse I could find was in 1991
23 where he discusses with the psychiatrist that he expresses
24 deeply deep remorse and that he regrets it. And that's
25 over 15 years now in terms of a showing, at least on the
26 record, that he has remorse and I think contrary to what
27 the District Attorney says that those are true feelings.

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1 He's not -- doesn't recognize the Board wants to hear that
2 and so he's simply giving lip service to that. In fact,
3 in our parole supplemental packet we have two letters of
4 remorse that he authored back in 1999 and so, obviously,
5 it was important enough to him to put on the record a
6 direct apology to the -- the victims. In terms of his
7 psych reports, I think the psych reports can best be
8 described as -- what was -- what Dr. Frances referred in
9 2003 as an information gap. And what keeps on with Mr.
10 Tyson is that when given an opportunity to discuss the
11 crime, because of shame, because of distrust that,
12 unfortunately, he has about those types of encounters he
13 ends up being per -- perceived as not being completely
14 forthcoming and honest. But I will submit this to you.
15 For all his inarticulateness, there isn't a taboo subject
16 for Mr. Tyson in relation to these crimes. There isn't
17 anything today that you asked of him or the District
18 Attorney asked of him that he essentially said oh, no, I'm
19 not willing to discuss that or I'm, you know, I'm -- I'm
20 suddenly getting fuzzy in my memory. He was very candid
21 and he has accepted responsibility for the crimes and I
22 think that speaks to his insight and I think it also
23 speaks to him understanding the magnitude of the offense.
24 Quite simply there are five reasons why this crime
25 occurred in terms of the causative factors. And I've
26 spelled them out in my points, so I'll very brief on them.
27 One is the narcotic issue. I think I've already addressed

1 that. Two is the -- the -- the, excuse me, the
2 misperception that because of a lack of a skill set that
3 he had to commit crimes. Granted that was a
4 misperception, but it still was, in fact, a causative
5 factor. Three was the financial gain that he wanted to --
6 to get from the crimes and I think the confusion that
7 that's produced over time is they say well, there's no
8 motive because you never got any money. Well, he didn't
9 know how much money was in the purses of these particular
10 women. He still did the crime for financial gain. Four,
11 he was engaging -- he doesn't know the word but it was
12 fatalistic behavior, and I wanted to -- I asked him that
13 important question about how did you feel about you
14 committing the crimes because it was clear after he
15 committed the crimes he wasn't empowered, he wasn't
16 (inaudible). This wasn't feeding his ego. He knew that
17 he was doing something wrong and he was then engaging in
18 that fatalistic behavior that probably started, I put it
19 at the juncture of, when he left the military. And, in
20 fact, he -- he saw that as a causative factor in making
21 that bad decision to sort of give up, if you will, on --
22 on the straight life. And then he was suffering from low
23 self-esteem and depression, a failed marriage, and the
24 dejection from the military, and throughout all of these,
25 those are not excuses. He was the architect. He -- it
26 was his choices to embrace those causative factors and act
27 upon them in such a terrible manner. And, in fact, I

1 think he's tried to address his programming in a way
2 that's addressed those points. He's been drug and alcohol
3 free I -- my calculation is for 29 years now. And that is
4 extraordinary. He really should be commended for that and
5 I think talk about a point of no return. He is past the
6 point of no return of going back to a life of drug and
7 alcohol abuse. There's no question about that. Long-
8 standing participation in AA and NA. And, in fact, even
9 in 2006 he was still working on the -- through the Impact
10 Program on his addiction. In terms of, you know, this
11 question of has he given up on himself. I think he --
12 he's thinking that, but his actions defy that, because
13 somebody who's going out and getting four vocations and
14 working hard and continuing to earn laudable chronos and
15 working overtime is not someone who has given up on
16 himself. It's someone who absolutely still believes in
17 himself and I don't -- even though he's not mouthing it, I
18 think his -- his walk is demonstrating that he has
19 improved in terms of his self-esteem and some of his
20 depression and in terms of expanding upon his skill set.
21 And we see that I think most -- most amply by the -- the
22 laudable chronos from the staff that know him well. The
23 COs Gladstone and Simone and Stevenson, who have no reason
24 to stick their neck out and vouch for his character, but
25 call him a law-abiding citizen, demeanor's respected and
26 quiet. And Correctional Officer Stevenson saying he could
27 make a positive contribution to the community. So the

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1 correctional staff who work with him, know him well and
2 I'll tell you every time I'm in this institution visiting
3 Mr. Tyson it's the same thing. I see staff go out of
4 their way consistently to greet him in -- in a -- in a
5 friendly -- in an -- almost as a -- an old friend would
6 and so it's very apparent to me that he has struck that
7 balance that's very difficult to find as an inmate by
8 being well-respected both by staff and by inmates. I
9 think if you take that in tandem with the psych reports in
10 2003 -- and I apologize -- and -- and he was not found in
11 low degree. The psychiatrist, Dr. Frances, simply said he
12 does not appear to present an imminent risk of violence to
13 himself and in others. In 2000 he was said that his
14 violence potential was only slightly above a person of the
15 average community and I think I've addressed that
16 information gap that, unfortunately, keeps reoccurring
17 itself in the additional psych reports. [alarm sound]

18 **DEPUTY COMMISSIONER BLONIEN:** I have one more minute.

19 **ATTORNEY CARBONE:** I don't think I could do it in
20 one.

21 **DEPUTY COMMISSIONER BLONIEN:** Okay.

22 **ATTORNEY CARBONE:** Spoken like a true lawyer.
23 I'm --

24 **PRESIDING COMMISSIONER BIGGERS:** All right, then
25 we'll switch the tape.

26 **ATTORNEY CARBONE:** Thank you.

27 [Thereupon, the tape was changed.]

1 **DEPUTY COMMISSIONER BLONIEN:** Okay, we're back on
2 record. Tape two side two.

3 **ATTORNEY CARBONE:** Thank you, Deputy Commissioner.
4 And I think the -- the evidentiary record demonstrates,
5 not by opinion, but by fact, that Mr. Tyson doesn't pose
6 an unreasonable risk to society. We know he's been
7 disciplinary-free. We know he's basically taking care of
8 any attitudinal problems that he had and is -- conforms
9 his behavior strictly to the institution's rules. In
10 terms of his parole plans, I think he has shown some
11 insight by having both short-term, very short-term 30-day
12 plans, and a longer-term plan that he recognizes he does
13 need a structured environment. This is a person that has
14 spent a lot of time in prison, that has a lot of issues on
15 the outside, that he is going to have difficulty getting
16 employment and so recognizing that has sought out these
17 structured environments to provide him a stable and
18 suitable residence. It's difficult for him to find firm
19 job offers and I think he's done the best that he could in
20 getting a number of firm job leads. He does have
21 supportive and loving family that has stuck with him
22 through all of these years and I think he does have a -- a
23 good social network on the outside that is waiting for
24 him. And all of those things in consideration with a very
25 long prison sentence, 25 years, deservedly so. He placed
26 an entire community in fear and committed horrible crimes
27 and so he did need to do some serious time and, in fact,

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1 he does -- has done that time and more importantly it's
2 how he's done that time. And I think he's tried to use
3 that time to make himself worthy of re-entry back into
4 society. And I think we're at that point and so on it I
5 would submit that he is, in fact, suitable for parole.
6 And thank you.

7 **PRESIDING COMMISSIONER BIGGERS:** Okay. Now, Mr.
8 Tyson, you can -- you have the opportunity to tell this
9 Panel why you feel you are suitable or you can rest of
10 what your attorney has said.

11 **INMATE TYSON:** Yes, sir. May I speak now?

12 **PRESIDING COMMISSIONER BIGGERS:** Yes, you can. But I
13 want you to focus on why you feel are -

14 **INMATE TYSON:** Yes, sir.

15 **PRESIDING COMMISSIONER BIGGERS:** -- suitable
16 for parole.

17 **INMATE TYSON:** I will. First off, District Attorney,
18 thank you for giving me an opportunity to express my
19 feeling on why I deserve suitability. Thank you for being
20 here and the Commissioners. I'm not as articulate as my
21 lawyer. My only wish was that I could be. I know the
22 crime I committed is a horrible crime and I committed the
23 crime against women. And I have done a lot harder time in
24 here because of my crime. It's hard to say to people
25 inside a prison yeah, man, I killed a woman. Yeah, I did
26 this to women. I snatched purses. And people look down
27 at you because they're ashamed. They're ashamed of you.

1 And I'm ashamed of myself for what I done and there's no
2 explanation. I take full responsibility for that. And
3 like my lawyer said, had I learned my lesson in Georgia,
4 got an education and through my failed marriage and other
5 things that have occurred in my life, I wouldn't be
6 sitting here in prison. I would be out in society right
7 now doing what I'm supposed to do. I love working. I
8 like working with my hands. And I -- I don't mind
9 working. I only wish I had had a -- a decent job before I
10 even committed these crimes. Had it not been for my drug
11 use, and I know I can feel the effects of it now because I
12 don't the privilege to really speak as well as some people
13 do, because I am a little nervous and not only that, you
14 know, the drug use. So it's sort of somewhat taking my
15 ability, but rest assured, I do know what I'm saying. I
16 do know right from wrong. I didn't have an education when
17 I came to prison. I didn't have an education when I was
18 in the service. But I have an education now and I -- I
19 can move forward. I have two trades, well, three trades
20 and I can do them well. I needed money in the street like
21 everyone else in order to survive. Had it not been for my
22 low self-esteem and drug use and not having an education,
23 I probably would have survived a lot better than I did
24 when I was on the street. I -- I appreciate my lawyer
25 doing what he did for me today. And I know -- and I know
26 now that I realize I have to fight for my freedom. I have
27 to fight and I'm going to do everything that I can to --

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1 to gain my freedom again. I know who I am now. I know
2 I'm not the person that I was. I wasn't born that person.
3 I just became that person. But just like I became that
4 person, I can also become myself again. And I pray that
5 one day I'll be completely myself and be able to live my
6 life like I used to live. I do intend to go to my self-
7 help groups and I'm sorry that the Board may not think or
8 the District Attorney may not think I have insight on my
9 crime, but I do. I realize I did it. And trying to
10 explain it is hard, but I don't have a problem trying to
11 explain it no more and I don't have a problem with talking
12 about it anymore. It did hurt. And it's like walking
13 around with a -- a burden on your shoulder for awhile.

14 **PRESIDING COMMISSIONER BIGGERS:** Okay, but I want you
15 to tell us why you feel you're suitable for parole. I've
16 heard one thing.

17 **INMATE TYSON:** All right. Oh, yes, sir. I will.

18 **PRESIDING COMMISSIONER BIGGERS:** Anything else on the
19 --

20 **INMATE TYSON:** Yes, yes, yes, it is.

21 **PRESIDING COMMISSIONER BIGGERS:** All right, go
22 on.

23 **INMATE TYSON:** I have -- I have -- I have completed
24 trades. I have gone to self-help groups. I have gained
25 insight in things that I -- that -- in the criminal things
26 that I've done and I've tried everything that I can that I
27 know how possibly to avoid those things. It may not seem

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1 like it to the Board or to the District Attorney, but
2 believe me, and I pray that you will, that I do know that
3 I -- I deserve to be found suitable today. I pray that
4 you do find me suitable and I know you don't have to find
5 me suitable. You don't have to give me a parole date. I
6 understand that. And also that I do understand that, you
7 know, there's no explanation and -- and at all times the
8 victims -- the victims are more important. But I've done
9 all that I can that I know how and if there is something
10 else that I have to do just let me know and I'll -- I'll
11 try to achieve it.

12 **PRESIDING COMMISSIONER BIGGERS:** Okay. All
13 right. We will go into deliberations at this time.

14 **R E C E S S**

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1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER BLONIEN: We are back on record.

4 PRESIDING COMMISSIONER BIGGERS: Okay, let the

5 record reflect that everyone that was in the room when we

6 went into deliberations are now back in the room. In the

7 matter of Morgan Tyson, T-Y-S-O-N. The Panel has

8 reviewed all information received from the public and

9 relied on the following circumstances in concluding that

10 the prisoner is not suitable for parole and would pose an

11 unreasonable risk of danger to society or a threat to

12 public safety if released from prison. Mr. Tyson, the --

13 the Panel looked at, number one, the crime -- the crimes.

14 The crimes were done in such a cruel manner -- in a

15 callous manner as brought out by the District Attorney in

16 that on -- you had a pattern of assaulting women as they

17 were walking down the street for whatever reason. The

18 motive could've been robbery; the motive could've been

19 something else. However, you were found guilty of

20 attempted robbery on a couple occasions and also with

21 weapons and in the course of that crime spree, if you

22 would, one person lost their life. But the -- although

23 multiple victims were involved, one lost their life and

24 the others were, in fact, injured. Cause you did, in

25 fact, cut them with -- with -- with a weapon. The -- the

26 offense itself was carried out in a manner that

27 MORGAN TYSON C-81713 DECISION PAGE 1 7/25/06

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1 demonstrated an exceptional callous disregard for human
2 suffering because you -- those victims that are still
3 living will have a traumatic experience based on what you
4 did to them to the point that who -- we will never know.
5 They are scarred. You did, in fact, cut them or hit them
6 on the head, I forget right now, my mind's a little full
7 end of the day, but it did show a pattern of callous
8 disregard for human suffering and it was always with
9 women. Single women. They were walking, they were
10 minding their business, they were vulnerable, quite
11 vulnerable because they never expected that to be -- that
12 someone would come up like they -- like you did and do
13 what you did to them. The crime itself -- all -- all --
14 all of the crimes involve great bodily harm, and the fact
15 that you used a weapon is also of -- of some concern to
16 the Panel. These statements were -- before I do that,
17 the trivial -- the crimes themselves were very trivial in
18 that in reading the transcript, it's very hard to know
19 what your motive was. At one time you said it was money.
20 Then another time when you talked to your attorney it was
21 for something else. And I forget the -- the term. I
22 think it was fatalistic or something like -- of that
23 nature which means that there are other fantasizing
24 things that maybe you were doing. I don't know. But it
25 was very trivial irregardless of which one it was. All
26 of these were taken from the probation officer's report.

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1 The Panel also looked at your -- looked at your
2 escalating pattern of criminal conduct for violence and
3 your failure to profit from society's previous attempts
4 in that you were in charge -- you were involved with auto
5 burglary. You were accused and convicted of a rape down
6 in Georgia which sent you to the penitentiary for eight
7 years, so you had a prior criminal -- prior prison term,
8 as well. You have programmed exceptionally well. You
9 have four vocations. Those four vocations are -- I want
10 to get them into the record, Auto Painting, Dry Cleaning,
11 Tile Layering and Cutting, and Mattress, Being a
12 seamstress in the PIA mattress shop. You -- you have
13 upgraded yourself extremely well vocationally. And from
14 listening to you talk, I get the sense that -- that you
15 have upgraded yourself educationally, as well, because
16 judging from what I've read in the past, as compared to
17 what you're doing right now, you have upgraded yourself
18 somewhat educationally, too. However, there's one thing
19 that I want to caution you at this point is that I think
20 some time that you need to organize your thought process
21 before you speak, and the reason I'm saying that is
22 because sometime you'll answer a question or say
23 something that's very positive and you turn around and
24 turn it into a negative, which is causing you to come
25 across as you don't know what the -- you don't know which
26 way you want to go so I would ask you, you know, take a

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1 minute, step back and then speak before you say something
2 and that may help you even in the institution. You --
3 you had 20 128s and the last one being in '98. You had
4 three serious 115s, the last one being in 1993. So you
5 haven't been totally disciplinary-free. But, again, I
6 think it's a matter of you not thinking because some of
7 those that you had back there was had to do with the
8 mouth, okay. The psychological report I think has been
9 covered very well, but I just want to read a couple of
10 things to you. And it was by Dr. Inaba and it was dated
11 7/21/2006. And I realize you just got this today and I
12 admire you for going forward even though it was somewhat
13 unfavorable. She indicated you had little insight into
14 the motivation behind the crime and this Panel does agree
15 with that. When we say insight, we're not talking about
16 taking responsibility. We're talking about the causative
17 factors that led you to do this. And also, as I
18 mentioned earlier, that I felt that it was necessary for
19 you to understand deeply why you had this either fixation
20 or this dislike for women. Although you say you didn't
21 have it. Something had to happen to you to -- to go
22 after these women to include the rape that you did back
23 in Georgia. There's got to be a -- an underlying cause
24 that you may not even be aware of, and I would encourage
25 you to seek out help, even from this psychiatrist that
26 you just went to see. Since you said you got a chance to

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1 see her and you talked to her. You know, tell her feel
2 you may need therapy. I don't know. In addition, she
3 said that you do not have a severe mental disorder, but
4 she did say that you even denied that you committed the
5 rape for which you had been convicted of. So, again,
6 those factors keep coming up. That you -- you don't
7 understand why you did what you did. And he -- she did
8 mention, though, that you would also benefit from
9 counseling with regard to the motivation of this crime as
10 attached to attitude toward women. It's just -- and
11 also, finally, you lack insight into the reason for the
12 crime other than financial pressure of some kind and
13 wanting to impress family members. Again, causative
14 factors. Not only in this report, but even so stuff that
15 we talked about tonight -- today. You really need to --
16 to get down to the brass knuckles of what transpired.
17 Finally, your parole plans, you've done some research on
18 your parole plans, but the problem that I see with those
19 is you write these letters to these different people and
20 they tell you things like they will be able to assist you
21 in getting this, assist you in getting that, yeah, we'll
22 give you a bed when you get a parole date. You need to
23 firm them up a little bit. You need to -- they're --
24 they're not -- they're all over the place. And, yeah,
25 they send you brochures and you get them, you read
26 something, but things change every year. Sometimes they

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1 may not have the funding to be able to get you a bed. So
2 you need to firm that up, and what I would encourage you
3 to do is you got family support outside, have them go to
4 different places so that you can identify exactly where
5 you're going to go, let them know what your situation is.
6 You had a -- a -- a short-term goal a few minutes ago.
7 Well, short-term goal to stay with your mother, but
8 that's only for 30 days. And, you know, again letters of
9 support to support that. Even your letters that you have
10 in your files were, you know, we would help you this, we
11 would help you do that, but they're not specific enough
12 to say he could stay with me until such time as he got a
13 job. We will help him get a job. Four vocations. You -
14 - you -- you're not going to have a problem. You've got
15 marketable skills that can help you get a job. Have them
16 look for those types of places that you have -- you have
17 dreams. There's nothing wrong with having dreams. If
18 you want to be a cook -- not -- I'm -- a chef, excuse me.
19 There's a difference between a chef and a cook. You want
20 to be a chef that's fine. But then see if there's
21 anything in apprentice programs out there. Something --
22 of the -- the restaurants and see what they will do to
23 assist you in that. Maybe try to get yourself in the
24 kitchen here and work with people who can identify people
25 out there that you need. The same thing holds true with
26 you wanted to be a tailor. There's a lot of tailor shops

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1 out there that, you know, may be able to assist you. But
2 don't rely on just when you get the brochure. That's all
3 propaganda and marketable stuff. Okay? We know there
4 were no 3042 responses, but the District Attorney of
5 Alameda County indicated her opposition to a finding of
6 parole suitability. The Panel also feels that your gains
7 are recent. You are beginning to show -- and I think the
8 District Attorney brought that out very well, that you're
9 now beginning to make that turn, which is good for you
10 because all this time you say you've been incarcerated
11 for 20-some years, you really haven't accepted the fact
12 of what took place because you've been rambling all over
13 the place. But you're beginning to make the turn and I
14 think that's going to be in your best interests now that
15 you've begin it. But I still -- the Panel still feels
16 that you need to go back to the underlying causes.
17 Nevertheless, you should be commended for obtained four -
18 - four vocations, you have excellent work history, the
19 Trust and Impact program, and your involvement in AA,
20 which has been continuous. However, these positive
21 aspects do not outweigh the factors of unsuitability. In
22 a separate decision, the Panel finds it is not necessary
23 to expect that parole would be granted at a hearing
24 during the following two years. The reason for that
25 again was the multiple victims were attacked and
26 assaulted, one was killed. And all these in separate

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1 acts, but they still have the same M.O. The offenses
2 were carried out in a manner which demonstrated callous
3 disregard for human suffering. The psychological
4 evaluation by Dr. Inaba basically indicated, as I
5 mentioned before, you still have not come to grips with
6 the fact that -- what were the causative factors of you
7 doing this. And until you do that, you still can be
8 considered to be dangerous to be outside. And you really
9 just need to get a hold of that. Also, the Panel wants
10 to recommend that you, you know, remain disciplinary-
11 free. And I will pass it over to -- let me pass it over
12 to the Deputy -- Deputy before I get into the
13 recommendations.

14 **DEPUTY COMMISSIONER BLONIEN:** Yeah, I think at the
15 end of the hearing when you were talking about your
16 suitability, you said in essence that you were going to
17 take charge and fight for yourself, so you have to give
18 yourself the tools to do that. And the first tool you
19 need is the information. So you have to read everything
20 and then your excellent attorney -- see how he outlined
21 the strategy and the points he wanted to make?

22 **INMATE TYSON:** Yes, ma'am.

23 **DEPUTY COMMISSIONER BLONIEN:** You do that and then
24 you make the goals to get you where -- where you want to
25 be, how you're going to do it. And you -- you -- so you
26 get this plan and then you implement the plan and you're

27 **MORGAN TYSON C-81713 DECISION PAGE 8 7/25/06**

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1 heading for success. You have an idea of where you're
2 going. You're thinking that -- you're thinking it all
3 the time, because I'm sorry you didn't come to this
4 realization of where you are 15 years ago, but you
5 didn't, but you're still a -- a -- a young person and you
6 still have the ability to get out of here and be
7 successful. So I hope you do it.

8 **INMATE TYSON:** Yes, ma'am.

9 **DEPUTY COMMISSIONER BLONIEN:** You have the ability.
10 So good luck.

11 **INMATE TYSON:** Yes, ma'am.

12 **PRESIDING COMMISSIONER BIGGERS:** In addition to
13 that, the -- you also have family out there waiting for
14 you. So you need to keep that in mind. Don't be down on
15 yourself. All right, the Panel's going to recommend that
16 you remain disciplinary-free, continue to get those
17 positive chronos in working with -- that you're doing in
18 your work assignments, continue to upgrade yourself both
19 educationally and vocationally. You know you got four
20 vocations. Don't stop there. And just continue to
21 participate in self-help. If you do that I think you'll
22 be fine. But you turned the corner, now you just got to
23 keep it going. The time is now 2:10. That concludes the
24 hearing. Good luck to you, sir.

25 ///

26 ///

27 **MORGAN TYSON C-81713 DECISION PAGE 9 7/25/06**

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1 INMATE TYSON: Thank you.

2 ATTORNEY CARBONE: Thank you.

3 DEPUTY COMMISSIONER BLONIEN: Good luck.

4 INMATE TYSON: Yes, ma'am.

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23 PAROLE DENIED TWO YEARS

24 THIS DECISION WILL BE FINAL ON: Nov 22, 2006.

25 YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT

26 DATE, THE DECISION IS MODIFIED.

27 MORGAN TYSON C-81713 DECISION PAGE 10 7/25/06

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**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, TRACY RICHARDSON, a duly designated transcriber, VINE, MCKINNON & HALL, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total two in number and cover a total of pages numbered 1 - 119, and which recording was duly recorded at SAN QUENTIN STATE PRISON at SAN QUENTIN, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of MORGAN TYSON, CDC No. C-81713, on JULY 25, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated OCTOBER 17, 2006, at Sacramento County, California.



TRACY RICHARDSON
Transcriber
VINE, MCKINNON & HALL